THE HON'BLE SRI JUSTICE G.V. SEETHAPATHY

W.P.No.12675 of 2005

Dated 12th JULy, 2006

Between:
P. Srinivasa Rao S/o Sampath Rao, 34 years
R/o Singarajupally, Gundlapally Mandal
Nalgonda district

… Petitioner

And:
The Joint Collector (Civil Supplies) Nalgonda
and another

… Respondents

THE HON'BLE SRI JUSTICE G.V. SEETHAPATHY

W.P.No.12675 of 2005

ORDER:

This writ petition has been filed by the petitioner, seeking writ of Mandamus declaring the orders of the 1st respondent in Case No.CSI/557/2005 dated 23.05.2005, as illegal and without jurisdiction.

2. Heard the learned counsel for the petitioner. None appears for the respondents and no representation is made on behalf of the Government Pleader for Civil Supplies.

3. The petitioner is un-employed and in pursuance of his application to the 2nd respondent in response to the notification dated 15.03.2005, he was selected as fair price shop dealer for the shop situated at Singarajupally under general category through interview conducted on 5.4.2005. The 2nd respondent issued proceedings on 5.4.2005 appointing the petitioner as fair price shop dealer and he has been distributing the essential commodities.

4. While so, the petitioner complains that the 1st respondent-Joint Collector issued a notice dated 16.4.2005 keeping his appointment in abeyance on the ground that one Sri Ravindrakumar Ramavath, M.L.A., Devarakonda made a complaint that the petitioner is the beneficiary under Rajeev Yuva Shakthi Scheme and later his appointment as dealer of fair price shop was cancelled. The petitioner pleads that though he was selected for Rajeev Yuva Shakthi scheme, he was not given benefit of the said scheme, as no bank has rendered

financial assistance to him and that he gave explanation to the 1st respondent on 2.5.2005 to the same effect enclosing the letter dated 4.4.2005 issued by the Manager, Andhra Bank, Dindi, wherein he stated that the petitioner has not availed the benefits under PMRY and Rajiv Yuvashakthi scheme. The petitioner complains that without considering the explanation given by him, the 1st respondent passed the impugned orders on 23.5.2005 cancelling the appointment as fair price shop dealer and directed the 2nd respondent to re-notify the shop for appointment solely on the recommendation of Sri Ravindrakumar Ramavath, M.L.A. of Devarakonda. The petitioner was therefore assailed the said action of the 1st respondent in this writ petition as illegal and without jurisdiction.

5. By virtue of interim order dated 17.6.2005 wherein the impugned order was suspended, the petitioner has been continuing the fair price shop dealership.

6. A perusal of the impugned order dated 23.5.2005 shows that the action was initiated on the representation given by Sri Ravindrakumar Ramavath, MLA of Devarakonda. The petitioner received a notice on 16.4.2005 from the 1st respondent office to appear on 2.5.2005 and the said notice also makes a reference to the representation made by M.L.A., Devarakonda Assembly Constituency. In pursuance of the said notice, the petitioner gave an explanation on 2.5.2005 which is referred to in the impugned order dated 23.5.2005, wherein he stated that though he was selected as a beneficiary under Rajeev Yuvasakhathi scheme, he could not avail the benefit as no banker was coming forward to finance him. In support of the same, he filed a letter issued by the Manager, Andhra Bank, Dindi branch, wherein, it is certified that the petitioner has not availed PMRY and Rajeev Yuvasakhathi scheme at their branch. The Mandal Parisadh Development Officer, Gullapalle also certified on the same letter that

the petitioner has not grounded under Rajeev Yuvasakhthi scheme. The letter dated 20.04.2005 of the Mandal Revenue Officer, addressed to the Revenue Divisional Officer shows that the petitioner was authorized to act as fair price shop dealer of the shop situated at Singarajupally and necessary authorization was ordered to be issued in his favour.

7. The above material on record shows that the petitioner was duly selected as a dealer of the fair price shop situated at Singarajupally in the interview conducted by the 2nd respondent and that he was duly appointed and he was given necessary authorization for distribution of the essential commodities through the fair price shop and his appointment was sought to be cancelled on the pretext that he was the beneficiary of the scheme under PMRY and Rajeev Yuvasakhthi scheme, though, in fact there is no material to show that he has grounded any work by availing financial assistance from any source under any of those schemes. On the other hand, the letter written by the Manager, Andhra Bank, which was endorsed by the M.P.D.O., Gullapally Mandal shows that the petitioner, though selected under the above scheme, did not avail benefit of the said scheme. In the absence of any material to show that the petitioner has availed the benefit of any of those schemes, the termination of appointment of the petitioner as fair price shop dealer cannot be sustained.

8. In the circumstances, the impugned order dated 23.5.2005 terminating the appointment of the petitioner as a dealer of fair price shop situated at Singarajupally, is quashed and the writ petition is allowed accordingly. No order as to costs.

_____

G.V. SEETHAPATHY, J

Dated 12th JULY 2006

BSS